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CENTRAL FAX CENTER****APR 27 2007** 211A 3658 PCT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MINORU TAKEBE, et al.

Serial No.: 10/533,055

Filed: April 27, 2005

For: PHARMACEUTICAL
COMPOSITION FOR TREATING
SUDDEN HEARING LOSS

Art Unit: 1617

Examiner: Jennifer M. Kim

TERMINAL DISCLAIMERCommissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

The owner, Nichimo Co., Ltd., of 100 percent interest in the instant application by assignment (Reel/Frame 017242/0794) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5885632; 6045819; and 6303161; and patent application Nos. 10/070888; 10/070889; and 10/507987. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a

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reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.
3. ☒ Please charge Deposit Account 11-1445 in the amount of \$130 to cover the Terminal disclaimer fee under 37 C.F.R. 1.20(d).

Date: April 27, 2007

By: 

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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on April 27, 2007.

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